

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE



RYAN RICHMOND,

PLAINTIFF,

v.

CA. No. 14-cv-806-LPS

CORRECT CARE SOLUTIONS LLC,

DEFENDANTS,

MOTION FOR ENTRY OF DEFAULT JUDGEMENT

UNDER FED. R. CIV. P. 55(b)

NOW COMES PLAINTIFF RYAN RICHMOND, PRO SE, PURSUANT TO FED. R. CIV. P. 55(b) FOR ENTRY OF DEFAULT JUDGEMENT DUE TO DEFENDANT PATRICIA MUNDA FAILING TO ANSWER, MOVE, OR OTHERWISE RESPOND TO THE COMPLAINT.

1. JUNE 16, 2014, PLAINTIFF FILED HIS COMPLAINT.
2. MAY 29, 2015, PLAINTIFF AMENDED HIS COMPLAINT
3. JANUARY 13, 2016 THE USM-285 FORMS WERE SERVED TO THE LEGAL COUNSEL OF PATRICIA MUNDA, PAMELA MAGEE, CORRECT CARE SOLUTIONS LLC, SARAH CLARTI, AND PHYSICAL THERAPIST SHAWN).
4. JANUARY 12, 2017 THE LEGAL COUNSEL OF PAMELA MAGEE, AND CORRECT CARE SOLUTIONS LLC ANSWERED AND SEPERATED DEFENSES TO THE PLAINTIFF'S RYAN RICHMOND'S AMENDED COMPLAINT.
5. FEBRUARY 9, 2017 THE DEFENDANT PATRICIA MUNDA FAILED TO PLEAD OR OTHERWISE DEFEND THE AMENDED COMPLAINT THAT WAS SERVED JANUARY 13 2016

6. APRIL 11, 2017, PLAINTIFF REQUESTED FOR THE CLERK OF THE COURT TO ENTER DEFAULT ON THE DEFENDANT PATRICIA MUNDA DUE TO HER FAILING TO PLEAD OR OTHERWISE DEFEND THE AMENDED COMPLAINT THAT WAS SERVED JANUARY 13, 2016.

7. DUE TO PATRICIA MUNDA FAILING TO ANSWER, MOVE, OR OTHERWISE RESPOND TO THE COMPLAINT, THE ENTRY OF A DEFAULT JUDGEMENT AGAINST HER IS APPROPRIATE. SEE, e.g., MUSIC CITY MUSIC V. ALFA FOODS, LTD., 616 F. Supp. 1001, 1002 (E.D. Va. 1985). WHEN A DEFAULT JUDGEMENT IS ENTERED ON THE WELL PLED ALLEGATIONS OF A COMPLAINT, THE DEFENDANTS LIABILITY IS ESTABLISHED. SEE BROADCAST MUSIC, INC. V. R BAR OF MANHATTAN INC, 919 F. Supp. 656, 658 (S.D.N.Y. 1996); SCHWARTZ-LIEBMAN TEXTILES V. LAST EXIT CORP., 815 F. Supp. 106, 107 (S.D.N.Y. 1992). THE COURT, HOWEVER, IS REQUIRED TO CALCULATE THE APPROPRIATE AMOUNT OF DAMAGES. IT CANNOT SIMPLY ACCEPT THE PLAINTIFF'S REPRESENTATIONS ON THIS SUBJECT AS BEING TRUE. SEE BROADCAST MUSIC, 919 F. Supp. at 658; SCHWARTZ-LIEBMAN, 815 F. Supp. at 107.



RYAN RICHMOND #610572

HR/CI

P.O. Box 9561

WILM. DE, 19809

DATED: DECEMBER 18, 2017

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

AFFIDAVIT OF SERVICE

I, RYAN RICHMOND, BEING SWORN, STATE THAT:

I HAVE SERVED A COPY OF THE ENTRY OF DEFAULT JUDGEMENT, VIA MAIL BY WAY FOR THE DEPARTMENT OF CORRECTIONS ON THE 18TH DAY OF DECEMBER, 2017:

OPHELIA M. WATERS, ID#3879

DEPUTY ATTORNEY GENERAL

CARVEL STATE OFFICE BUILDING

820 N. FRENCH STREET, 6TH FLOOR

WILM. DE, 19801

PURSUANT TO 28 U.S.C. §1746, I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.



RYAN RICHMOND #610572

HR/KI

P.O. Box 9561

WILM. DE, 19809

DATED: DECEMBER 18, 2017

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OFFICE OF THE CLERK
U.S. DISTRICT COURT
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U.S.M.S.
X-RAY

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